

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA
CASE NO.: 04-53

INQUIRY CONCERNING JUDGE SUPREME CT. CASE NO. SC04-1655
ALAN C. TODD;

_____/

ORDER THAT CASE REMAIN PENDING

The respondent, Judge Alan C. Todd, was charged by the Investigative Panel of the JQC with certain ethical violations and the case proceeded to a hearing before the Hearing Panel beginning October 18, 2005. Judge Todd and numerous other witnesses testified.

The Hearing Panel began deliberations and before concluding those deliberations Judge Todd, through counsel, was advised that the Hearing Panel believed that a complete physical and mental examination at a neutral medical facility would be appropriate. Through his counsel Judge Todd agreed to go forward with this examination. Before the Hearing Panel received a report on the examination, Judge Todd resigned from the judiciary. By letter to Governor Jeb Bush of January 3, 2006, Judge Todd resigned effective January 3, 2006. A copy of this letter is attached.

Although the Hearing Panel has no direct information as to the reason for the resignation, it was reported in the Orlando Sentinel on December 23, 2005, that Judge Todd had made uncomplimentary comments in open court regarding one of his fellow county judges and that the Chief Judge had removed Judge

Todd from the criminal division where he had been assigned for many years and transferred him to the civil division.

As indicated, the Hearing Panel does not know whether this newspaper report was accurate or whether it was the reason for Judge Todd's resignation. We note however that the charges on which Judge Todd was tried before the Hearing Panel concerned inappropriate comments to court personnel or comments while Judge Todd was on the bench. The JQC Investigative Panel has filed a January 6, 2006, Motion to Defer Ruling until such time as the new matter can be investigated.

Under these circumstances the Hearing Panel intends to refrain, for an indefinite period, from entering Findings, Conclusions and Recommendations for consideration by the Florida Supreme Court. The Hearing Panel cautions Judge Todd that should he request to be permitted to sit as a retired judge in any court, then this JQC prosecution will be promptly resumed before the Hearing Panel. See In re: Hapner, 718 So. 2d 785 (Fla. 1998), (Court and JQC has continuing jurisdiction notwithstanding retirement of a judge during JQC prosecution).

SO ORDERED this 30th day of January, 2006.

**FLORIDA JUDICIAL QUALIFICATIONS
COMMISSION**

By: /s/ Thomas B. Freeman
JUDGE THOMAS B. FREEMAN,
Chairman, Hearing Panel,
Florida Judicial Qualifications
Commission
1110 Thomasville Road
Tallahassee, Florida 32303
850/488-1581
850/922-6781 (fax)

Copies furnished in accordance with the attached list.

Chandler R. Muller
Counsel to the Judge
1150 Louisiana Avenue, Suite 2
Winter Park, FL 32790
(407) 647-8200
(407) 645-3000 (fax)

Lansing C. Scriven
Special Counsel
442 W. Kennedy Blvd.
Suite 280
Tampa, FL 33606
(813) 254-8700
(813) 254-8710 (fax)

Thomas C. MacDonald, Jr.
General Counsel
1904 Holly Lane
Tampa, Florida 33629
(813) 221-2500
(813) 258-6265 (fax)

John Beranek
Counsel to the Hearing Panel
Ausley & McMullen
P.O. Box 391
Tallahassee, Florida 32302
(850) 224-9115
(850) 222-7560 (fax)

Brooke Kennerly
Florida Judicial Qualifications
Commission
1110 Thomasville Road
Tallahassee, Florida 32303
(850) 488-1581
(850) 922-6781 (fax)